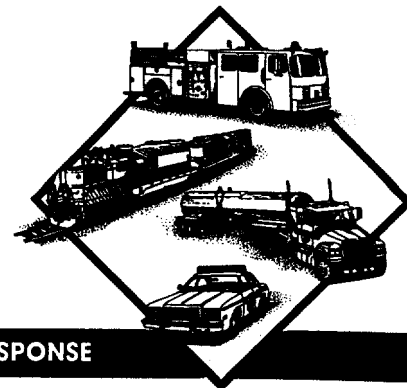




OPERATION RESPOND®

INSTITUTE, INC.



A PUBLIC/PRIVATE PARTNERSHIP DEDICATED TO IMPROVING EMERGENCY RESPONSE

May 18, 2001

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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REFERENCE: WT Docket No. 00-32 /

Dear Mr. Chairman:

The Operation Respond Institute, Inc. (ORI) shares the concerns expressed by emergency response organizations regarding the need to reconsider the proposed auction of 50MHz of bandwidth in the 4.9 GHz band, in lieu of permanently allocating this portion of the spectrum to broadband services dedicated to the public safety community.

In this letter, we hope to provide you and your professional staff additional substantive information supporting the need to reserve and protect this portion of the spectrum for public safety. We respectfully offer these insights based upon our experience in providing hazardous materials identification and personal/public protection guidance and rail passenger rescue guidance to emergency responders to transportation accidents or incidents in North America.

The Operation Respond Institute is a not-for-profit corporation headquartered in Washington, D.C. This industry-government partnership was established in 1995 to provide lifesaving hazardous material and rail passenger rescue information directly from participating railroads and motor carriers to first responder police and fire personnel at the accident scene. ORI's pre-established computer links allow first responders to directly access carrier files to confirm vehicle contents and receive specific emergency guidance, saving minutes and often hours in obtaining critical action information. Operation Respond focuses on assisting first responders to get the information they need to safely handle hazardous materials incidents, *and to not become the first casualty.*

Today, emergency responders -- fire, police and medical -- need help as never before in gauging the correct response to transportation incidents. First responders to a rail or intermodal transportation incident need to know immediately: *Are hazardous materials in the vehicle, and can that be confirmed?*

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It's in those first few, critical minutes that first responders must take actions to accurately assess the situation, safeguard lives and property, and prepare the scene for arriving fire, medical or hazardous materials responders. Information needed includes verification of the contents of a freight car or truck and the proper immediate response actions. This is because incorrect responses can lead to disastrous consequences -- for life, for property, and for the environment.

ORI has developed a software program, the Operation Respond Emergency Information System (OREISTM).¹ Through OREISTM, emergency responders have the ability to directly access a carrier's files (via modem connection) to identify whether or not hazardous materials are being transported, and if such material is present, OREISTM provides a verification of the contents and initial guidance as to the correct or appropriate response. This function of OREISTM is critical to the emergency response community, where the importance of obtaining multiple verifications before commencing actions involving hazardous materials is consistently and repeatedly emphasized in training and incident operations.

ORI's internationally recognized OREISTM software is operational in over 1,200 emergency dispatch centers in 44 states, Canada, and Mexico. ORI has established linkages with all major U.S. and Canadian Class One railroads, and a number of nationwide motor carriers. In addition, ORI works closely with Amtrak and VIA Rail Canada on rail passenger safety matters, as well as with most of the nation's commuter rail organizations. The software is now being Beta-tested by a number of emergency organizations for future deployment via the Internet, to further enhance access by the emergency response community.

The typical sequence of events involving accidents or incidents in transportation of hazardous materials (and in railroad passenger rescue) focuses on basic information issues relevant to the emergency response process, principally the timeliness and quality (e.g., readability, usefulness) of decision information available at the scene. Clearly, critical information regarding the cargo contents of a vehicle, or the features of a rail passenger car (location of emergency doors, windows, power shutoffs, etc.) adequate for initial assessment and decisionmaking by first responders must be available as soon as practicable. It is on these subjects that we believe we are in a position to offer some substantive comments.

In the first few minutes of an emergency response, establishing the appropriate kind and level of response is paramount. Accordingly, the emphasis in such situations is on establishing a level and range of *immediately useful* information to emergency responders who are first on the scene. The burgeoning wireless technology applications involving broadband transmission of integrated voice, graphics, video, overhead imagery and data afford emergency responders to transportation accidents or incidents new and heretofore unavailable tools to enhance the safety and effectiveness of emergency

¹ The OREISTM software is made available only to qualified emergency response organizations, and is accompanied by User Agreements specifying the terms and conditions applicable to use only for training and in actual emergencies.

response decisions and actions. In brief, the reason we think broadband is so potentially useful is that with this technology, large, bulky files, images, or databases that today take many minutes to transmit in a readable form could be quickly and efficiently transmitted to the scene, enabling decisionmakers to increase their capabilities – *and their level of confidence that they are making the right decisions.*

At present, there are clear deficiencies and limitations involved with on-scene access to paper copies of critical information, as well as potential defects and delays inherent to the facsimile transmission process. The issue of timeliness in emergency response thus resolves down to *minutes* – minutes saved or minutes delayed. In the final analysis, the time period characterized by a lack of confirmation or receipt of initial action information means the equivalent time lost in commencing an effective emergency response.

The emergency response community is moving rapidly to apply technology to improve on-scene communications, response operations, and incident management, especially where hazardous materials may be involved. The growing capabilities inherent in laptop and palm computers, wireless Internet links and other technologies can and will allow responders access to more information on a timely basis.

The immense potential of wireless broadband to transmit vital information to the scene of an incident can be envisaged in several practical ways: *First*, traditional databases that require referencing or detailed search, i.e., the chemical reactivity of a certain substance or compound in specific circumstances, or complete lists, tables, or charts, could be transmitted more quickly using broadband and viewed and utilized quickly by personnel at the scene. *Second*, wireless broadband will afford the ability to transmit video sequences, i.e., how to pry open a rail passenger door or panel, see how to properly and safely shut off electrical power, etc., bringing real know-how direct to the scene. *Finally*, the use of wireless broadband to transmit complex imagery, maps and other pictures can mean substantial improvements in on-scene decisionmaking, and promotes actions based upon everyone involved literally viewing the same image. Wireless data and information at the scene can facilitate a joint, mission-oriented approach to transportation incident response by all participants that can help transcend the limits of traditional roles (i.e., fire suppression, hazmat, rescue, police, EMS).

We therefore submit that to the extent that wireless broadband can facilitate direct access to detailed hazardous materials contents information or rail passenger rescue guidance by emergency responders at the scene of a transportation incident, potential problems of miscommunication, lapses in coordination, and delays in beginning effective response may be reduced or even eliminated outright.

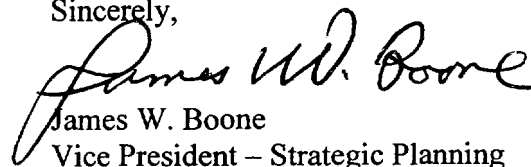
There is also the need to ensure that the systems established are secure and reliable, and protect sensitive or proprietary information. Access to any individual database must be limited to legitimate emergency responders, and there needs to be a reasonable guarantee of reliable, secure access to the information necessary to assist those responders. Accordingly, it seems to us that dedicated frequencies are a must, and

that appropriate safeguards can then be built in to any system that may utilize these frequencies.

The positive implications of wireless applications are only now becoming clear for hazardous materials response professionals and for all emergency responders. We hope the considerations highlighted in this letter underscore the latent capabilities of broadband to sharply improve emergency response in transportation. At the scene of an incident, wireless technologies, high speed data communications and information transfer protocols can and should serve as the integrating links for a wide diversity of information and guidance leading to better and safer emergency actions. We strongly urge the FCC to take the steps now to foster and support these emerging applications by reserving and effectively protecting the 50MHz of bandwidth identified in the 4.94 - 4.99 GHz band for these kinds of public safety applications.

We would be pleased to meet with your staff to discuss these critical issues, in order to promote understanding of the direct benefits of reserving the above-cited spectrum for meeting the specialized needs of effective hazardous materials emergency response, incident command, and rail passenger rescue.

Sincerely,



James W. Boone
Vice President – Strategic Planning

COPY TO:

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Washington, DC 20554